IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 142 OF 2007

Karim Babumiya Shaikh
@ Baba Shaikh. .. Petitioner.

vs.

The State of Maharashtra
& Ors. .. Respondents.

Ms. Subhangi V. Deshmukh for Petitioners.
Mr. S.R. Nargolkar, AGP., for respondents.

..

CORAM: J.N. PATEL &
A.A. SAYED, JJ.
DATE: 26TH SEPTEMBER, 2007.

P.C.

. Heard.

2. By this public interest litigation the petitioner proposes to challenge the extension granted to the Director of Public Prosecution.

3. There is no quarrel over the issue that the incumbent who was holding the post of Director of

Public Prosecution was eligible and qualified on the date of appointment.

4. The learned counsel for the petitioner is not able to show us any provision, constitutional or statutory, which puts fetters on the powers of the State Government to grant extension to its employees on attaining the age of superannuation.

5. The only contention raised in the petition in public interest is that as Mr. S.P. Nikam, the present incumbent, who has been granted the extension is not entitled to continue beyond the age of 60. Such extension is not in public interest.

6. We find that the petitioner has approached this Court under a total misapprehension. Further, there is no public interest involved in the matter. Rather it is in public interest that the post of Director of Public Prosecution does not remain vacant and till the successor is found we do not find that the impugned decision to grant extension to the Director of Public Prosecution, who has otherwise attained the age of superannuation, has anything to do with public interest. Therefore, the petition is dismissed with costs which we quantify at Rs. 5000/-. The petitioner shall deposit the costs with the Collector, Pune within a period of four weeks from the date of dismissal of this petition. On his failure to do so, the Collector,

Pune is directed to proceed to recover the costs as fine by resorting to the provisions of Cr. P.C. and Maharashtra Land Revenue Code.

(J.N. Patel, J.)

(A.A. Sayed, J.)